

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN

IN RE:

Paul Higginbotham, Sr.

Chapter 7

Debtor.

Case No. 3-18-13355

DEBTOR'S OBJECTION TO MOTION FOR RELIEF FROM STAY

The Debtor, Paul Higginbotham, by and through his counsel, Attorney Zachary J. Kluck of Zerbst & Kluck, S.C., objects to US Bank NA's motion for relief from stay in this action and requests a hearing on that motion. The motion that was filed does not contain any affidavit of a representative of the creditor. Bankruptcy proceedings are just like any other matter and documents and other evidence must be supported by admissible facts that do not contain hearsay. Without an affidavit, none of the statements made are admissible and the creditor has not met his burden of proof. Further, the foreclosure judgment entered in Dane County Case Number 15 CV 1045 was entered in favor of Nationstar Mortgage, LLC, as servicer for The Bank of New York Mellon, as Trustee for Structured Adjustable Rate Mortgage Loan Trust Mortgage Pass-Through Certificates, Series 2004-6, but the creditor who filed this motion is US Bank NA. The debtor questions whether the correct creditor has brought this motion. The debtor thereby requests a hearing on this matter.

Dated this 30th day of October, 2018.

ZERBST & KLUCK, SC
Attorneys for the debtors
By: /s/ Zachary J. Kluck
Zachary J. Kluck
State Bar No. 1075837
2000 Engel Street, Suite 101
Madison, Wisconsin 53713
Direct Phone: (608) 316-3806
Fax: (608) 223-1966